

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN DOE, on behalf of himself and all others similarly situated,)	Case No. 1:23-cv-00027
)	JUDGE DOUGLAS R. COLE
Plaintiff,)	
)	
v.)	
)	
THE CHRIST HOSPITAL,)	
)	
Defendant.)	
)	
JANE DOE, on behalf of herself and all others similarly situated,)	Case No. 1:23-cv-00031
)	JUDGE DOUGLAS R. COLE
Plaintiff,)	
)	
v.)	
)	
THE CHRIST HOSPITAL,)	
)	
Defendant.)	
)	
JOHN DOE, on behalf of himself and all others similarly situated,)	Case No. 1:23-cv-00087
)	JUDGE DOUGLAS R. COLE
Plaintiff,)	
)	
v.)	
)	
THE CHRIST HOSPITAL,)	
)	
Defendant.)	
)	

**STIPULATED ORDER REGARDING DISCOVERY
AND BRIEFING FOR PLAINTIFFS' MOTIONS TO REMAND**

Plaintiffs John Doe from case number 23-cv-00027 (“Doe-1”), Jane Doe from case number 23-cv-00031 (“Doe-2”), and John Doe from case number 23-cv-00087 (“Doe-3”), and Defendant The Christ Hospital (“TCH”), through their respective counsel, stipulate as follows:

1. On December 30, 2022, Doe-1 commenced a class action suit captioned *John Doe v. The Christ Hospital*, Case No. A2204749, in the Court of Common Pleas of Hamilton County, Ohio (the “State Court”). On January 17, 2023, TCH removed that action to this Court under both the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332, and the federal officer removal statute, 28 U.S.C. § 1442(a)(1), thereby giving rise to case number 23-cv-00027 (“Case No. 1”).

2. On January 10, 2023, Doe-2 commenced a class action suit captioned *Jane Doe v. The Christ Hospital*, Case No. A2300098, in the State Court. And on January 17, TCH removed that action to this Court under both CAFA and the federal officer removal statute, thereby giving rise to case number 23-cv-00031 (“Case No. 2”).

3. On February 6, Doe-3 commenced a class action suit captioned *John Doe v. The Christ Hospital*, Case No. A2300516, in the State Court. And on February 15, TCH removed that action to this Court under the federal officer removal statute, thereby giving rise to case number 23-cv-00087 (“Case No. 3”).

4. All three cases assert claims on behalf of putative classes of TCH patients who allegedly exchanged communications with one of TCH’s websites and/or had their protected health information transmitted to third parties without authorization through use of the websites.

5. On February 16, this Court entered a Related Case Memorandum Order in Case Nos. 1, 2, and 3, finding that the three cases are related. (Case No. 23-cv-00027 [[Doc. 8](#)]; Case No. 23-cv-00031 [[Doc. 9](#)]; Case No. 23-cv-87 [Doc 5].)

6. On February 16, Doe-1 and Doe-2 respectively filed in Case Nos. 1 and 2 substantively identical (a) Motions to Remand, and (b) Motions for Leave to Conduct Jurisdictional Discovery and Stay Briefing on Pending Motions to Remand (the “Discovery Motions”). (Case No. 23-cv-00027 [Docs. 9 & 10]; Case No. 23-cv-00031 [Docs. 7 & 8].)

7. The Motions to Remand challenge both bases for TCH’s removal – CAFA and the federal officer removal statute – and the Discovery Motions seek limited jurisdictional discovery regarding the citizenship of the putative class members, which Doe-1 and Doe-2 assert is relevant to the potential application of certain jurisdictional exceptions under CAFA.

8. Doe-3 plans to file a motion to remand in Case No. 3 challenging TCH’s removal of that case under the federal officer removal statute. Doe-3’s anticipated motion to remand is referred to with Doe-1’s and Doe-2’s pending Motions to Remand as the “Remand Motions.”

9. To assist in the orderly and efficient administration of the three related cases, the parties to Case Nos. 1, 2, and 3 have agreed to the proposed discovery and briefing plan set forth below for the Discovery Motions and Remand Motions.

10. Within 14 days of entry of this Stipulated Order, Doe-1 and Doe-2 shall serve on TCH their consolidated jurisdictional discovery requests related to the citizenship of the putative classes in Case Nos. 1 and 2 (the “Discovery”). Doe-1 and Doe-2 shall coordinate efforts to avoid duplicative discovery. The Discovery is limited to five requests for the production of documents and five interrogatories total; no depositions will be conducted at this stage.

11. Within 21 days of service of the Discovery, TCH shall provide written responses thereto. In the event of a dispute regarding the Discovery, the parties shall comply with all applicable Local Rules and Standing Orders of the Court. Any dispute requiring Court intervention shall be brought to the Court within 14 days of TCH’s responses to the Discovery.

12. The Discovery shall be deemed complete upon the later of the date TCH provides its initial responses thereto or the date set by the Court after resolution of any discovery dispute.

13. Within 30 days of completion of the Discovery, Doe-1, Doe-2, and Doe-3 shall file a consolidated memorandum in support of the Remand Motions (the “Memorandum”).

14. Within 30 days of the filing of the Memorandum, TCH shall file a consolidated opposition brief to the Remand Motions (the “Opposition”).

15. Within 14 days of the filing of the Opposition, Doe-1, Doe-2, and Doe-3 may file a consolidated reply brief in support of the Remand Motions.

16. All other litigation deadlines in Case Nos. 1, 2, and 3, including TCH’s deadlines to respond to the complaints in those actions, shall be stayed until 21 days after the Court decides the Remand Motions.



UNITED STATES DISTRICT JUDGE

AGREED TO AND STIPULATED BY:

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